

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IONICS, INCORPORATED,  
Plaintiff

v.

GLOBAL ENERGY, INC.,  
Defendant.

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)  
)  
)  
) Civil Action No. 04-11943-PBS  
)  
)  
)  
)

DISTRICT COURT  
DISTRICT OF MASS.

**PLAINTIFF IONICS, INCORPORATED'S LOCAL RULE 16.1(D)(3) CERTIFICATION**

We, the undersigned, hereby certify that we have conferred in this matter:

(a) with a view to establishing a budget for the costs of conducting the full course and various alternative courses of the litigation; and

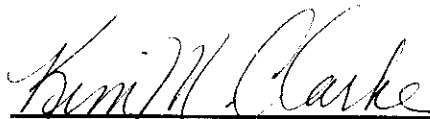
(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs, such as those outlined in Local Rule 16.4.

Respectfully submitted,

IONICS, INCORPORATED.

Dated: November 2, 2004

By its Attorneys,




David B. Mack (BBO# 631108)  
Kim M. Clarke (BBO# 657711)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, Massachusetts 02110  
(617) 345-1000

**CERTIFICATE OF SERVICE**

I hereby certify that on this day, November 2, 2004, a true and accurate copy of the herein Local Rule 16.1(D) Joint Statement and Plaintiff Ionics, Incorporated's Local Rule 16.1 (D) (3) Certification was served by first-class mail on counsel for Defendant Global Energy, Inc.:

Jason W. Morgan, Esq.  
Drohan, Hughes, Hoffman, & Tocchio, P.C.  
175 Derby Street, Suite 30  
Hingham, MA 02043

  
Kim M. Clarke